



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-100-17

Property Address: 3929 & 3925 Arrow Drive

Property Owner: Arrow Properties LLC and Arrow Drive Development LLC

Project Contact: David York

Nature of Case: A request a 1.24 acre variance to the minimum lot size requirements set forth in Section 6.4.6.D.2. of the Unified Development Ordinance for a hotel, motel, inn to be located in the Office Park district to allow for a proposed hotel on a 1.26 acre tract zoned Office Park-7 and Special Highway Overlay District-2 and located at 3929 and 3925 Arrow Drive

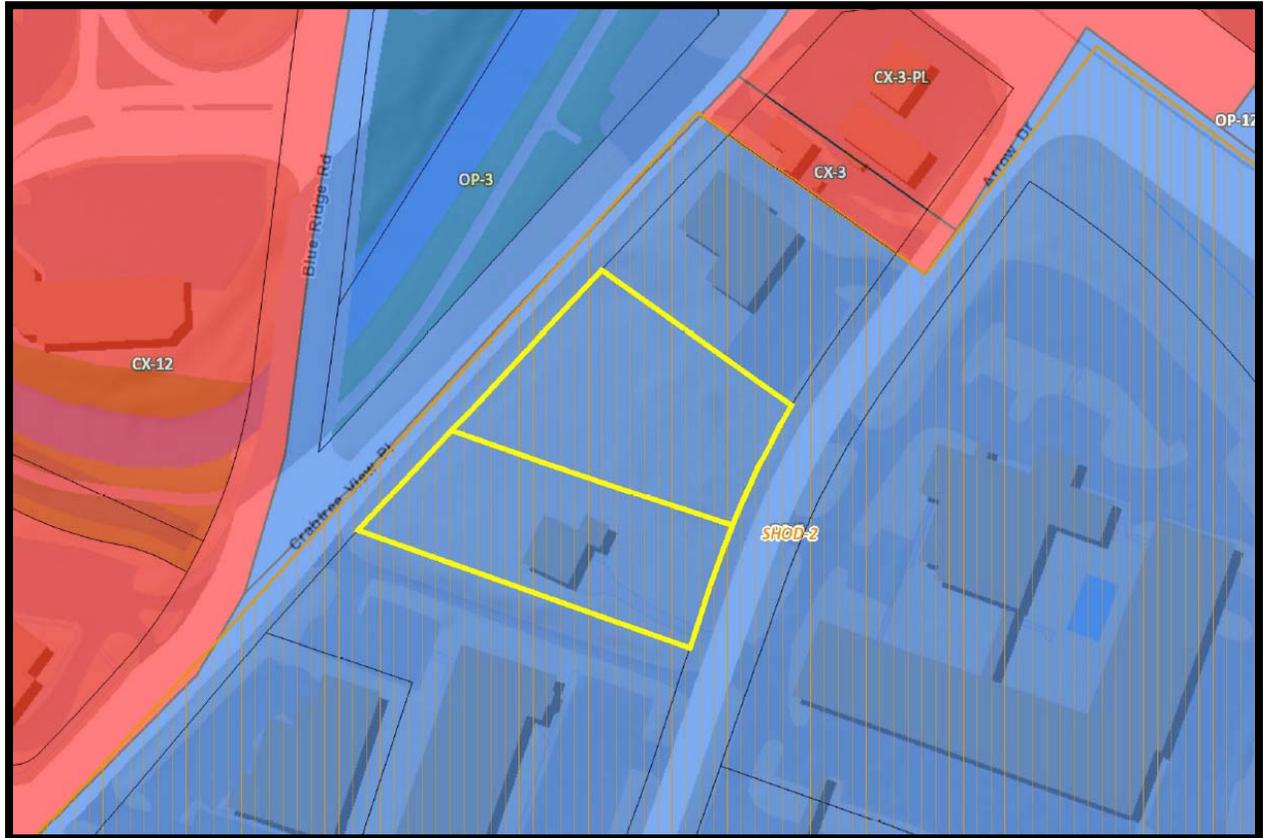


3929 & 3925 Arrow Drive – Location Map

To BOA: 8-14-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Office Park Mixed-Use-7 and Special Highway Overlay District-2



3929 & 3925 Arrow Drive – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Commercial Mixed Use-3 Parking Limited

Accessory Structure Setbacks

Primary Street	50'
Side Street	20'
Side	5'
Rear	5'

Section 6.4.6.d. Hotel, Motel, Inns

1. Defined

A facility that contains one or more rooms for overnight guests containing registration facilities, on-site Management, cleaning services and combined utilities.

2. Use Standards

In the OP- and OX- districts, the minimum lot size for a hotel, motel, inn is 2½ acres.

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): See attached Addendum to Variance Application (Addendum)	Transaction Number <i>A-100-17</i>
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number. None known	

GENERAL INFORMATION					
Property Address	3929 Arrow Drive and 3925 Arrow Drive		Date	9-Mar-2017	
Property PIN	0795696528 and 0795695468	Current Zoning	OP-7 w/SHOD-2		
Nearest Intersection	Arrow Drive and Glenwood Avenue		Property size (in acres)	1.26 (0.66 & 0.60)	
Property Owner	VT Arrow Properties LLC and Arrow Drive Development LLC	Phone	Fax		
Owner's Mailing Address	See attached Addendum		Email		
Project Contact Person	David L York, Smith Moore Leatherwood LLP	Phone	919-755-7849	Fax	
Contact Person's Mailing Address	434 Fayetteville St., Suite 2800, Raleigh, NC 27601		Email		david.york@smithmoorelaw.com
Property Owner Signature	<i>Walter D. Hart</i>		Email		see Addendum for signatures and notary oaths
Notary Sworn and subscribed before me this <u>13th</u> day of <u>March</u> , 20 <u>17</u> <div data-bbox="215 1703 678 1875" style="border: 1px solid black; padding: 5px; width: fit-content;"> MARTHA B CARD NOTARY PUBLIC Wake County North Carolina My Commission Expires <u>12-29-17</u> </div>	Notary Signature and Seal				

Application for Variance



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Property Owner	VT Arrow Properties LLC and Arrow Drive Development LLC	Phone 919-971-6441 Fax
Owner's Mailing Address	See attached Addendum	Email victor.tapson@cshs.org
Project Contact Person	David L York, Smith Moore Leatherwood LLP	Phone 919-755-7849 Fax
Contact Person's Mailing Address	434 Fayetteville St., Suite 2800, Raleigh, NC 27601	Email david.york@smithmoorelaw.com
Property Owner Signature		Email see Addendum for signatures and notary oaths
Notary SEE CALIFORNIA ACKNOWLEDGMENT ATTACHED. Sworn and subscribed before me this _____ day of _____, 20____	Notary Signature and Seal	

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

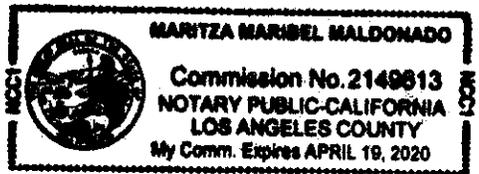
State of California
County of Los Angeles

On May 26TH, 2017 before me, Maritza Maribel Maldonado Notary Public.
(insert name and title of the officer)

personally appeared VICTOR F. TAPSON
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature M. M. Maldonado (Seal)

Re: APPLICATION FOR VARIANCE.

**Addendum to Variance Application
VT Arrow Properties LLC and Arrow Drive Development LLC
3929 Arrow Drive and 3925 Arrow Drive**

Nature of Variance Request:

VT Arrow Properties LLC and Arrow Drive Development jointly apply for a variance to UDO Section 6.4.6.D.2. requiring a 2.5 acres minimum lot size for hotel, motel, inn in the OP- and OX- zoning districts.

Property Owner Signature

VT Arrow Properties LLC

Arrow Drive Development LLC

By: _____
Its:

Walter D. Heath, III
By: Walter D. Heath, III
Its: Manager

NOTARY

NOTARY

Sworn and subscribed before me this
the _____ day of March, 2017.

Sworn and subscribed before me this
the 13th day of March, 2017.

My Commission
expires: _____

Martha B. Card
My Commission
expires: 12-29-19

NOTARY SEAL

NOTARY SEAL

MARTHA B CARD
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 12-29-19

(Addendum Continues on next page)

**Addendum to Variance Application
VT Arrow Properties LLC and Arrow Drive Development LLC
3929 Arrow Drive and 3925 Arrow Drive**

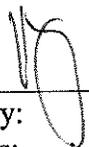
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VT Arrow Properties LLC and Arrow Drive Development jointly apply for a variance to UDO Section 6.4.6.D.2. requiring a 2.5 acres minimum lot size for hotel, motel, inn in the OP- and OX- zoning districts.

Property Owner Signature

VT Arrow Properties LLC

Arrow Drive Development LLC


By: VICTORIA F. TARSON
Its: _____

By: _____
Its: _____

NOTARY **SEE CALIFORNIA
ACKNOWLEDGMENT
ATTACHED.**
Sworn and subscribed before me this
the _____ day of _____, 2017.

NOTARY
Sworn and subscribed before me this
the _____ day of _____, 2017.

My Commission
expires: _____

My Commission
expires: _____

NOTARY SEAL

NOTARY SEAL

(Addendum Continues on next page)

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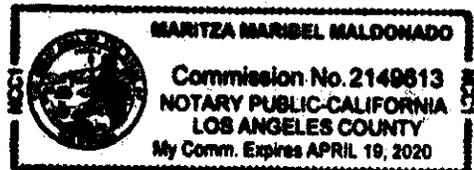
State of California
County of LOS ANGELES

On MAY 26TH, 2017 before me, Maritza Maribel Maldonado Notary Public.
(insert name and title of the officer)

personally appeared VICTOR F. TAPSON
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Mp. Mp. Maldonado (Seal)

RE: ADDENDUM TO Variance Application VTARROW Properties LLC.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.

Without the variance, the property cannot be developed as intended when purchased and consistent with many of the surrounding properties (hotel uses). Without the variance, Applicants would be required to try to develop the property in a way that would have a greater adverse impact on peak-hour traffic in the area than would otherwise occur if the variance were granted.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The hardship is a direct result of the size of the Property. In addition, the unique steep-slope topography and street frontage on both the front and back of the parcel creates opportunities for structured parking that would allow and enable creative design and cost-effective development of the property for a hotel on a smaller lot than would otherwise be possible, at the same construction costs, as the same development on a flat parcel. This structured parking opportunity also reduces the lot size necessary to meet minimum parking requirements than would otherwise be needed for the same size hotel with only surface parking. Finally, the unique location of this property and the nature of the vehicular traffic in the area, as explained in greater detail in the response to criteria 1 and 4, further support the variance request to allow a hotel to be constructed on this property.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The hardship did not result from any actions taken by the applicants/property owners. The lot size, street frontage, topography, and location, all referenced above in the preceding response, are not the result of any action taken by the applicants/property owners.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

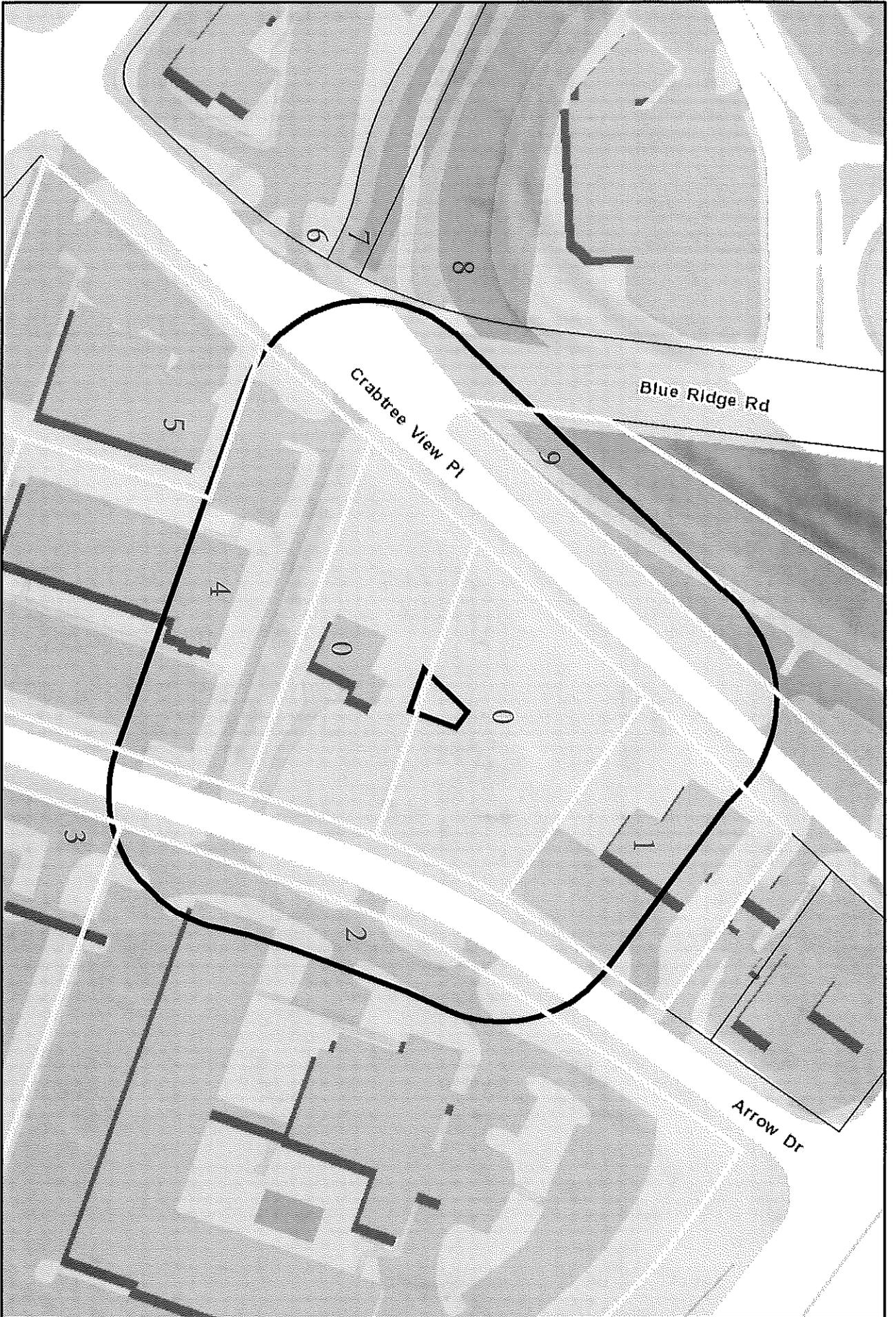
The spirit, purpose and intent of the ordinance provision are to allow for sufficient buffering from adjacent or near adjacent residential properties. The OP and OX districts are often used as a transition zoning district between residential zones (Rn's and RX) and more intense commercial zones (NX, CX, and IX). It is the belief of the Applicant (after discussions with planning staff)

that the minimum lot size was intended to provide land area sufficient for typical surface parking and transition buffering from adjacent residential properties. The subject Property is totally surrounded by like-zoned OP-7 parcels, many of which are already developed for hotel uses. The Property is several hundred feet from any dwelling unit (not associated with a hotel use). No transition buffering is necessary between these like-kind land uses. The Applicants/property owners purchased the Property as a hotel site, in light of the surrounding uses and the nature of the vehicular traffic in the area.. This fact was specifically and expressly explained to the Planning Commission and City Council during the city-wide zoning map amendment process. In fact, at the Applicants/Property owners' request, the building height zoning designation for the Property was increased to 7 stories prior to adoption of the city-wide rezoning ordinance. The purpose for this height increase by the City Council was to allow sufficient height for a hotel and structured parking on this parcel. The Plot Plan submitted with this application is for illustrative purposes only to demonstrate that the Property can be developed as a hotel in compliance with all other applicable provisions of the UDO.

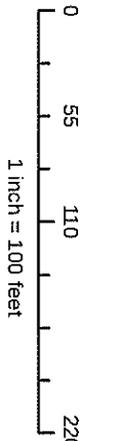
Arrow Drive Adjacent Property Owners
(100-foot Buffer)

	PIN	PIN Ext	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Mail Address 3
0	0795695468	0	66605	n	111 E AVCOCK ST	RALEIGH NC 27608-2541	
0	0795696528	0	55943	VT ARROW PROPERTIES LLC	C/O VICTOR TAPSON	3671 BUENA PARK DR	STUDIO CITY CA 91604-3808
1	0795696783	0	183409	CAPRE LLC	3933 ARROW DR	RALEIGH NC 27612-4646	
2	0795699445	0	1811	RALGIC LLC	4131 PARKLAKE AVE STE 360	RALEIGH NC 27612-2390	
3	0795698134	0	35284	RALGIC 2 LLC	4131 PARKLAKE AVE STE 360	RALEIGH NC 27612-2390	
4	0795695218	0	56936	OMNESH HOTELS LLC	3921 ARROW DR	RALEIGH NC 27612-4624	
5	0795692274	0	46541	EDWARDS, GARRY STEVEN EDWARDS,			
6	0795690454			JEANNE G	EDWARDS & EDWARDS REAL ESTATE INC	2401 WESTON PKWY STE 101	CARY NC 27513-5599
7	0795691533			Mcdonalds Corporation (32-521)	Gunter Enterprises, Inc.	P. O. Box 61398	Raleigh, NC 72661-1398
8	0796502569	801	0055730	Longotti, Samuel M.	P. O. Box 31147	Raleigh, NC 27622-1147	
8	0796502569	000	0055726	CVM ASSOCIATES	2840 PLAZA PL STE 100	RALEIGH NC 27612-6342	
8	0796502569	800	0072916	CVM HOLDINGS LLC	2840 PLAZA PL STE 100	RALEIGH NC 27612-6342	
9	0795696816	0	8120	WACHOVIA BANK AND TRUST CO NA	RYAN LLC	PO BOX 56607	ATLANTA GA 30343-0607
				RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590	

∅ = our properties



ARROW DRIVE



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 Maps make every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.